IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 1783 of 2004

Date of Decision: 16.10.2006

Puran Chand Sardana ...Petitioner

Vs.

The Patiala District Co-operative Milk Producers Unions Ltd. and Ors. ...Respondents

CORAM Hon'ble Mr.Justice Vinod K.Sharma

Present: Ms.Pooja Sharma, Advocate,
for the petitioner.

Mr.D.S.Patwalia, Advocate,
for the respondents.

Vinod K.Sharma, J. (Oral)

Present revision petition has been filed against the order dated 18.3.2004 passed by the learned Civil Judge (Junior Division), Patiala dismissing the application moved by the plaintiff-petitioner under Order 1 Rule 10 of the Code of Civil Procedure (for short the Code) for impleading new parties on the plea that those were inadvertently left out.

Learned Trial Court rejected the application on the plea that the plaintiff had failed to show as to how the said parties were necessary or proper parties to the suit. It was further held that impleading of those parties would amount to reopening of the case as those parties will have to file written statement to the claim made by the petitioner.

Learned counsel for the petitioner vehemently contends that the Punjab State Cooperative Milk Producers Federation Limited, Chandigarh being an appointing authority was a necessary party to the claim made by the petitioner and therefore, the Court was wrong in rejecting the application moved by the petitioner. In support of her contention learned counsel for the petitioner placed reliance on **Satwant Kaur Vs. Gurmail Singh and others 1999 (1) Civil Court Cases 16**. Learned counsel for the petitioner contends that by way of amendment the petitioner is seeking amendment in the nature of ministerial act as defendants are being added who would have only to file the written statement and therefore, there was no question of fresh trial as held by the learned lower court.

I have considered the arguments raised by the learned counsel for the petitioner and find no force in this petition. Though the Punjab State Cooperative Milk Producers Federation Limited, Chandigarh had appointed the petitioner as per his own averments made in para No.1 of the plaint, his services thereafter, were transferred to Patiala District Cooperative Milk Producers Union Limited, Patiala and thus, he ceased to be the employee of Punjab State Cooperative Milk Producers Federation Limited, Chandigarh which is an independent cooperative society from that of milk unit.

As far as the second contention of the learned counsel for the petitioner is concerned, even for the purpose of adding the parties to the heading of the suit still it is necessary for the court to form an opinion whether the persons sought to be impleaded are necessary or proper party for adjudication of the case. There is nothing on record to connect the

authorities sought to be impleaded as party especially keeping in view the fact that the counsel for the petitioner has made a statement in this Court that no amendment to the plaint is required to be done. In the absence of any pleading it can hardly be said that they are proper or necessary parties.

No merit. Dismissed.

(Vinod K.Sharma)
Judge

16.10.2006
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